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Attorneys for Defendants  
CITY OF NEWPORT BEACH, OFFICER DIANNE HARRIS,  
and OFFICER DE LA TORRE

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JANE DOE,

Plaintiff,

vs.

CITY OF NEWPORT BEACH,  
CUSTODY OFFICER DIANNE  
HARRIS, NEWPORT BEACH  
POLICE OFFICER DE LA TORRE,  
DOES 1 through 10, inclusive,

Defendants.

No. 8:15-cv-00608 JAK (KES)

Hon. Karen E. Scott

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S *EX-PARTE*  
APPLICATION TO QUASH  
SUBPOENAS;**

Date : Under Submission  
Time : Under Submission  
Courtroom : 6D

///

DEFENDANTS' OPPOSITION TO PLAINTIFF'S *EX-PARTE* APPLICATION  
TO QUASH SUBPOENAS

## MEMORANDUM OF POINTS AND AUTHORITIES

### **I. INTRODUCTION AND FACTS**

Delay, obstruction, failure to co-operate in discovery and outright misrepresentations to this Court has been Plaintiff's mantra since the inception of this case.

Plaintiff once again seeks to obstruct discovery not by simply bringing an *ex-parte* motion, but by unnecessarily bringing two separate motions for no other purpose than to unnecessarily delay, increase the costs of litigation and unnecessarily burden this Court.

Plaintiff contacted defense counsel Christiansen on January 5, 2016 to inform him that she would be bringing an *ex-parte* motion, under seal, to quash subpoenas on January 7, 2016 (although Plaintiff never identifies those subpoenas sufficiently for a motion to quash). Counsel Christiansen informed Plaintiff that because she was doing so under seal, she would need to send the motion itself via **overnight** delivery to Defendants. (See Christiansen Decl. attached hereto).

It appears that she instead chose not to file her *ex-parte* under seal, and then therein claims that she will also file another duplicative motion to quash under seal. There is no reason for this game that Plaintiff continues to insist on playing.

It was not until Plaintiff realized that her medical records would necessarily need to be produced in this matter that she suddenly decided that she only had "garden variety" emotional distress - in direct opposition to the allegations in her complaint and her sworn testimony at deposition.

Plaintiff has continued to mislead this Court with her declarations, in this instance claiming that "Christiansen stated he will oppose the *ex parte* application because he believes that Plaintiff Jane Doe did not suffer 'garden-variety' emotional distress." (Dkt. No. 101, 3:7-9; Dkt. No. 101-1, 2:5-7). In actuality, counsel Christiansen informed Plaintiff that he would oppose the *ex-parte* on the basis that Plaintiff is claiming severe emotional distress and PTSD as a direct

1 result of the alleged incident both in her Complaint and in her sworn deposition  
 2 testimony and not “garden variety”<sup>1</sup> emotional distress as she’s now trying to  
 3 claim for the sole purpose of further obstructing discovery. See Christiansen Decl.

4 Plaintiff has also intentionally obstructed and further mislead this Court by  
 5 claiming for months that she would “conform her Complaint” to the facts of this  
 6 case and that an attorney would be substituting in. Neither of these things have  
 7 happened - they are simply more intentional misrepresentations for purposes of  
 8 obstructing the discovery process, intentionally harassing defendants, needlessly  
 9 increasing the costs of litigation, and delaying this litigation.

10 Plaintiff’s *ex-parte* application should be denied, any duplicative motion  
 11 that Plaintiff files (as indicated within her *ex-parte*) should be denied as moot  
 12 upon filing and this Court should issue an order compelling production of the  
 13 documents sought.

14 **II. PLAINTIFF IS CLAIMING MORE THAN “GARDEN VARIETY”**  
 15 **EMOTIONAL DISTRESS IN THIS MATTER**

16 Plaintiff has obviously found the term “garden variety” in her research of  
 17 ways to prevent Defendants from obtaining her medical records. Plaintiff claims  
 18 that she wants to conform her complaint to state that she’s only claiming “garden  
 19 variety” emotional distress after realizing that her medical records were a  
 20 necessary part of discovery and now that Defendants have requested available  
 21 dates from Plaintiff for an IME.

22  
 23 ///

24  
 25 <sup>1</sup>Plaintiff continues to use the term “garden variety” emotional distress which she obviously  
 26 found in case law that supports the position that medical records need not be produced for claims  
 27 of “garden variety” emotional distress - however, that does not apply in this matter where Plaintiff  
 28 has claimed (and testified to) severe emotional distress and PTSD.

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1           However, Plaintiff amending her Complaint to allege “garden variety”  
2 emotional distress would be a farce and would not be conforming her Complaint  
3 to the **facts** of this case.

4           Plaintiff’s Complaint alleges that, as a result of the alleged incident,  
5 “Plaintiff was traumatized ... requiring treatment for trauma and post-traumatic  
6 stress syndrome for which she has incurred expense.” (Complaint, ¶31).

7           In her deposition Plaintiff made potentially contradictory allegations, first  
8 seemingly alleging that she had suffered Post-Traumatic Stress Disorder (“PTSD”)  
9 for some time, while also alleging that it was not until August 2014 that she was  
10 formally diagnosed by her psychiatrist with PTSD as a result of the alleged  
11 incident. (See generally Doe Deposition of 10/21/2015, **Exhibit A**, Pages 106-  
12 111 and 370-371).

13           Plaintiff cannot now go back and “conform her Complaint” by now alleging  
14 “garden variety” PTSD for the sole purpose of obstructing discovery when  
15 Plaintiff’s own testimony is that she was officially diagnosed with PTSD as a  
16 direct result of the alleged incident. The medical records are necessary.

17           Plaintiff’s only reasoning for refusing to produce her medical records and  
18 for seeking to quash the subpoenas are that they “are irrelevant to any claim or  
19 defense in this lawsuit, and they are protected by the psychotherapist-patient  
20 privilege” (Dkt. No. 101, 6:11-13).

21           This is false, they are completely relevant to Plaintiff’s claims in this lawsuit  
22 because she has alleged severe emotional distress and PTSD in her Complaint and  
23 also testified to severe emotional distress and PTSD in her sworn deposition  
24 testimony as a direct result of the alleged incident.

25           Plaintiff’s *ex-parte* must be denied.

26  
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28   ///

**A. Defendants have Already Begun Expending Resources on Retained Experts and the Records are Necessary for Review Prior to Plaintiff's IME**

Defendants have already selected police procedures and psychological / psychiatric experts in this matter and have begun expending resources on those experts, monetary and otherwise, on the basis of Plaintiff's allegations and sworn testimony.

Defendants seek an IME with their psychological / psychiatric experts who have informed Defendants of the need to review Plaintiff's existing psychiatric and psychological records prior to having her sit for an IME.

Plaintiff has refused to produce medical records as sought in discovery, as a result, Defendants issued subpoenas to the medical centers identified in her deposition testimony (and, prior to doing so, had requested that Plaintiff sign waivers to more speedily obtain those records, which she also refused). See Christiansen Decl.

Plaintiff has now also refused to cooperate in providing dates of availability to attend an IME and refuses to attend an IME which will require yet another motion to compel Plaintiff. See Christiansen Decl.

Plaintiff didn't come up with the theory of amending her Complaint to allege "garden variety" emotional distress until she realized her claims required disclosure of her medical records. Despite this, Plaintiff has never amended her Complaint, has never filed a motion to allow amendment of her Complaint, and has never requested a stipulation to amend her Complaint nor provided a proposed amended Complaint.

The sole purpose for these new claims is for the sole purpose of further obstructing discovery. The impending discovery cutoff is rapidly approaching and has already been continued, if Plaintiff were going to file an amended Complaint that contradicts her own testimony she should have already done so and doing so

1 now would be yet another intentional delaying tactic and an intentional waste of  
2 resources.

3 Plaintiff's *ex-parte* must be denied.

4 **III. PLAINTIFF'S *EX-PARTE* MOTION TO QUASH IS MOOT, IN**  
5 **PART, BECAUSE SOME RECORDS HAVE ALREADY BEEN**  
6 **PRODUCED**

7 To the extent that Plaintiff seeks to quash the subpoena to the Therapeutic  
8 Residential Center, such records have already been produced pursuant to the  
9 subpoena. Those records are already helpful and valuable to the defense of this  
10 matter because they indicate that Plaintiff may have made similar claims in the  
11 past and may not be a good historian of real events based upon diagnoses therein.

12 These records are necessary to the defense of this matter as are the other  
13 records sought by subpoena and are necessary to the defense of this matter and for  
14 the preparation of the Plaintiff's IME by the psychologist and psychiatrist.

15 As such, Plaintiff's motion must be denied, at least in part, as moot.

16 **IV. CONCLUSION**

17 There has been one common theme throughout this litigation - that Plaintiff  
18 will make whatever statements she thinks will allow her to get her way, whether  
19 they be true or not, when it comes to this litigation.

20 It took months before Defendants were able to depose Plaintiff and even  
21 then Defendants were, by Court order, denied their ability to appropriately  
22 impeach Plaintiff regarding video evidence of the event which directly  
23 contradicted the allegations in Plaintiff's complaint.

24 Over a hundred pages of Plaintiff's deposition transcript has now been  
25 excessively redacted, by order of this Court, to the extent that some pages are  
26 nearly completely redacted.

27 Plaintiff has continued to obstruct discovery and has outright refused to  
28 produce medical documents directly relevant to her claims, and Defendants'

1 defense of this matter requiring Defendants to serve subpoenas on those alleged  
2 medical providers.

3 Plaintiff has outright refused to cooperate with Defendants in providing  
4 dates of availability to allow any psychiatric and psychological IME which are  
5 intended to directly address the allegations in her complaint and her sworn  
6 testimony.

7 Plaintiff is now seeking to quash those subpoenas by making  
8 misrepresentations to this Court that she's claiming only "garden variety"  
9 emotional distress for the sole purpose of obstructing this discovery and in direct  
10 contradiction to her allegations and her sworn deposition testimony.

11 Defendants have been continuously and unabatedly hindered in their  
12 defense of this matter, yet have complied with Court orders and unnecessary  
13 redactions despite these hindrances.

14 At some point Defendants must be allowed to effectively defend their case  
15 and these hindrances must stop. If Plaintiff wants to amend her complaint to  
16 contradict her own deposition testimony she can do so, but this Court should not  
17 entertain the notion that she intends to do so, when she hasn't done so for months.  
18 The Court should not entertain the notion that she intends to get an attorney when,  
19 once again, she still has not done so.

20 There is no reason, compelling or otherwise, that the subpoenas should be  
21 quashed. Plaintiff has claimed severe emotional distress and a medical diagnosis  
22 of PTSD caused directly by the alleged incident and Defendants are entitled to  
23 discovery on those claims. Plaintiff's motion must be DENIED.

24  
25 DATED: January 7, 2016

FERGUSON, PRAET & SHERMAN, APC

26 /s/ Allen Christiansen

Allen Christiansen SBN 263651

27 Attorneys for Defendants City of Newport Beach,  
28 Officer Dianne Harris and Officer De La Torre

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TO QUASH SUBPOENAS



1                                   **DECLARATION OF ALLEN CHRISTIANSEN**

2       I, ALLEN CHRISTIANSEN, declare as follows:

3               1. I am an attorney at law authorized to practice law before all the courts of  
4       the State of California, the State of Hawaii and the United States Supreme Court  
5       and am an associate at the Law Offices of Ferguson, Praet & Sherman, A  
6       Professional Corporation, which is the attorney of record for the Defendant City of  
7       City of Newport Beach, Dianne Harris and Officer De La Torre. The following  
8       declaration is made from personal knowledge and if I were called upon as a  
9       witness, I could and would competently testify under oath to the facts stated below  
10      in this declaration.

11              2. Attached hereto as **Exhibit A** is a true and correct copy of portions of  
12      Plaintiff's deposition transcript using redacted pages by Court order for portions  
13      thereof as required. Plaintiff's testimony therein is that she suffered such severe  
14      emotional distress that she was traumatized and, in August 2014, received a  
15      medical diagnosis of PTSD as a direct result of the alleged incident. Defendants  
16      are necessarily seeking records relating to this sworn testimony.

17              3. Attached hereto as **Exhibit B** is a true and correct copy of a letter from  
18      Plaintiff refusing to provide medical documents requested in discovery.

19              4. Attached hereto as **Exhibit C** is a true and correct copy of a letter from  
20      Plaintiff refusing to cooperate and refusing to attend any IME.

21              5. Plaintiff has obstructed discovery and hindered the defense of this matter  
22      from the outset. Exhibits B and C attest to more of the same. Plaintiff now wants  
23      to convince the Court that she intends to amend her Complaint to now remove any  
24      allegations that would require production of these records - this is nothing more  
25      than a sham.

26              Plaintiff's own motion admits that she filed a document with this Court back  
27      in November 2015 that she intended to amend her Complaint, yet she did not.

28              Plaintiff also, for purposes of seeking to extend deadlines, told this Court

DEFENDANTS' OPPOSITION TO PLAINTIFF'S *EX-PARTE* APPLICATION  
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1 that she was getting an attorney, yet she has not.

2 Plaintiff's statements cannot be taken at face value because they have  
3 repeatedly been misrepresentations.

4 6. In her motion and declaration, Plaintiff claims that I told her I was  
5 opposing the motion because I did not believe she had "garden variety" emotional  
6 distress. In fact, what I told her was that she cannot claim that she only has  
7 "garden variety" emotional distress to avoid discovery because based upon the  
8 contradictory allegations in her Complaint and her very own sworn deposition  
9 testimony, she suffered extreme emotional distress and trauma and was diagnosed  
10 with PTSD.

11 7. In an attempt to move forward and obtain discovery without further  
12 Court intervention, I sent a meet and confer letter to Plaintiff on December 2, 2015  
13 demanding that she provide responses to discovery relating to her medical  
14 treatment and diagnosis as requested. It was not until December 18, 2015 that  
15 Plaintiff responded in writing that she would not do so.

16 On December 22, 2015, I sent another meet and confer requesting that  
17 Plaintiff provide me dates of availability for psychological and psychiatric IMEs  
18 and, once again, Plaintiff refuses to cooperate which will require that I unilaterally  
19 obtain dates from the experts and move to compel her attendance.

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1           8. It was Plaintiff who put all of these outrageous claims in her Complaint  
2 and testified to them at deposition so that she could seek to extort money from the  
3 City. She cannot now refute her own allegations and testimony because it is  
4 inconvenient to her. Her continued refusals to cooperate in this matter and  
5 continued attempts to cause unnecessary delay and expense must not be  
6 entertained and her motion must be denied.

7  
8           I declare under penalty of perjury under the laws of the State of California  
9 that the foregoing declaration is true and correct. Executed January 7, 2016 at  
10 Santa Ana, California.

11  
12       /s/ Allen Christiansen

13 ALLEN CHRISTIANSEN  
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# EXHIBIT A

DEFENDANTS' OPPOSITION TO PLAINTIFF'S *EX-PARTE* APPLICATION  
TO QUASH SUBPOENAS

Jane Doe

10/21/2015

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JANE DOE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.: SACV15-00608 JAK
	)	(RNBx)
CITY OF NEWPORT BEACH,	)	
CUSTODY OFFICER DIANNE HARRIS,	)	
NEWPORT BEACH POLICE OFFICER	)	
DE LA TORRE, DOES 1 through	)	
10, inclusive,	)	
	)	
Defendants.	)	
_____	)	

VIDEOTAPED DEPOSITION OF JANE DOE  
WEDNESDAY, OCTOBER 21, 2015, 10:19 A.M.  
SANTA ANA, CALIFORNIA

Reported by Jenny Craig, CSR No. 11094  
Job No. 15270

Jane Doe

10/21/2015

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
  
JANE DOE, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.: SACV15-00608 JAK  
 ) (RNBx)  
CITY OF NEWPORT BEACH, )  
CUSTODY OFFICER DIANNE HARRIS, )  
NEWPORT BEACH POLICE OFFICER )  
DE LA TORRE, DOES 1 through )  
10, inclusive, )  
 )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION of JANE DOE, taken at  
1631 East 18th Street, Santa Ana, California, on  
Wednesday, October 21, 2015, at 10:19 a.m., before  
Jenny Craig, Certified Shorthand Reporter, in and for  
the State of California.

Jane Doe

10/21/2015

1 APPEARANCES:

2 For Plaintiff:

3 JANE DOE  
4 In Pro Per  
5 220 Newport Center Drive, 11-233  
6 Newport Beach, California 92660  
7 (949) 355-3437  
8 janedoe919@icloud.com

9 For Defendants:

10 FERGUSON, PRAET & SHERMAN  
11 BY: ALLEN CHRISTIANSEN  
12 Attorney at Law  
13 1631 East 18th Street  
14 Santa Ana, California 92705  
15 (714) 953-5300  
16 achristiansen@law4cops.com

17 The Videographer: MARK HOWARD  
18 Thrust Productions, Inc.

19 Also Present: Sergeant William Depweg  
20 Officer Antonio De La Torre  
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Jane Doe

10/21/2015

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WITNESS: Jane Doe

EXAMINATION

PAGE

By Mr. Sherman

8

INFORMATION REQUESTED

(None)

QUESTIONS NOT ANSWERED

(None)

TRANSCRIPT MARKED

(None)

\* \* \*



Jane Doe

10/21/2015

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\* \* \*

Jane Doe

10/21/2015

1 WEDNESDAY, OCTOBER 21, 2015, 10:19 A.M.

2 SANTA ANA, CALIFORNIA

09:47

3  
4 THE VIDEOGRAPHER: Good morning. We are on the  
5 record.

6 This is the video recorded deposition of  
7 Jane Doe in the matter of Jane Doe versus City of  
8 Newport Beach, et al., case number SACV15-00608 JAK  
9 (RNBx).

10 This deposition is taking place at the law  
11 offices of Ferguson, Praet & Sherman located at 1631  
12 East 18th Street, Santa Ana, California, on Wednesday  
13 October 21st, 2015, at 10:19 a.m.

14 My name is Mark Howard. I'm the  
15 videographer representing Thrust Productions, Inc.,  
16 in Laguna Niguel, California. Video and audio  
17 recording will be taking place unless all counsel  
18 have agreed to go off the record.

19 Would all present please identify themselves  
20 beginning with the witness.

21 MS. DOE: I am Jane Doe and I am plaintiff in  
22 pro se.

23 MR. SHERMAN: Good morning. Steven Sherman on  
24 behalf of defendants. I have with me Officer De La  
25 Torre and Sergeant --

Jane Doe

10/21/2015

10:20 1 SERGEANT DEPWEG: Depweg.  
10:20 2 MR. SHERMAN: -- Depweg. Thank you.  
10:20 3 THE VIDEOGRAPHER: The certified court reporter  
10:20 4 today is Jenny Craig.  
10:20 5 Would you please swear in the witness.  
10:20 6  
10:20 7 JANE DOE,  
10:20 8 having been first duly sworn, testifies as follows:  
10:20 9 THE WITNESS: Yes.  
10:20 10 MR. SHERMAN: Yes?  
10:20 11 THE WITNESS: May I ask you a question?  
10:20 12 MR. SHERMAN: Certainly. Usually we don't do  
10:20 13 this, but go ahead.  
10:20 14 THE WITNESS: Sergeant Depweg is not a  
10:20 15 defendant.  
10:20 16 MR. SHERMAN: Actually, he's a City  
10:20 17 representative so the City is a named defendant.  
10:21 18 You -- you've named -- I'll -- I'll tell you what,  
10:21 19 why don't we go a little into the record and then  
10:21 20 anything you'd like to say in that regard we can  
10:21 21 cover, okay?  
10:21 22 THE WITNESS: Okay.  
10:21 23 ///  
10:21 24 ///  
10:21 25 ///

Jane Doe

10/21/2015

12:28 1 Q That would have been October 31st, 2014;  
12:28 2 correct?

12:28 3 A But I terminated. I -- I officially severed  
12:28 4 my ties [REDACTED] prior to October 31st  
12:28 5 [REDACTED]

12:28 6 Q Okay. And when did you [REDACTED]?

12:28 7 A May 16th, 2014.

12:29 8 Q What is your date of birth?

12:29 9 A [REDACTED]

12:29 10 Q You're young. I was born in the '50s as  
12:29 11 well, so we know you're not elder.

12:29 12 Do you have any type of disability?

12:29 13 A I suffer from post-traumatic stress syndrome  
12:29 14 and I have since -- I have for a while. I also have  
12:29 15 [REDACTED]  
12:29 16 [REDACTED]

12:30 17 Q Okay. And when were you [REDACTED]  
12:30 18 [REDACTED]  
12:30 19 [REDACTED]  
12:30 20 [REDACTED]  
12:30 21 [REDACTED]

12:30 22 Q I saw the paperwork on it. You submitted  
12:30 23 that as some of your documents in response to your  
12:30 24 production request.

12:30 25 A My [REDACTED]?

Jane Doe

10/21/2015

2:30 1 Q Yes.

12:30 2 A Yes, I did.

12:30 3 Q So let's talk about the items that we just  
12:30 4 referenced.

12:30 5 Have you ever been formally -- have you ever  
12:30 6 been formally diagnosed with post-traumatic stress  
12:30 7 disorder?

12:30 8 A Yes.

12:30 9 Q When was that?

12:30 10 A Sometime after I began to see my  
12:30 11 psychiatrist in August 2014.

12:31 12 Q Prior to that diagnosis from the  
2:31 13 psychiatrist that you saw in August 2014, had you  
12:31 14 ever been formally diagnosed with --

12:31 15 A I don't know.

12:31 16 Q Okay. You're not sure?

12:31 17 A I don't know.

12:31 18 Q Okay. Who is your psychiatrist that you saw  
12:31 19 in August '14 that gave you that diagnosis?

12:31 20 A [REDACTED]

12:31 21 Q He's in [REDACTED]

12:31 22 A That's correct.

12:31 23 Q [REDACTED]

12:31 24 A I think he's [REDACTED] is he not? It's on  
2:31 25 the -- it's on the bill that I gave you.

Jane Doe

10/21/2015

12:31 1 Q For some --

12:31 2 A I -- I don't --

12:31 3 Q For some reason I have --

12:31 4 A I don't think it's -- I don't think it's  
12:31 5 Newport Center Drive. I believe it's -- if you'll  
12:31 6 look at the -- could I see, please, the bill that I  
12:31 7 submitted as part of my things to be produced?  
12:31 8 It's -- it's --

12:32 9 Q Where -- where his address is is -- is  
12:32 10 irrelevant. I mean, I have it as Newport Beach  
12:32 11 Center Drive. If you believe it's something  
12:32 12 different --

12:32 13 A That's my mailing address is Newport  
12:32 14 Beach -- is -- is Newport Center Drive.

12:32 15 Q Whose mailing address?

12:32 16 A That's my mailing address.

12:32 17 Q 400 Newport --

12:32 18 A No. My mailing address is 220 Newport  
12:32 19 Center Drive.

12:32 20 Q Is that like a PO Box or something?

12:32 21 A It is -- I have a PO Box there.

12:32 22 Q What is 200 Newport Center Drive?

12:32 23 A It's a mail center that does mail services  
12:32 24 and also rents out post office boxes.

12:32 25 Q Okay. It's a little retail establishment;

Jane Doe

10/21/2015

12:32 1 correct?

12:32 2 A I don't know what you mean by "retail."

12:32 3 Q It's not the United States Postal Service?

12:32 4 A It's not the United States Postal Service.

12:33 5 Q Okay. Prior to your treatment and diagnosis  
12:33 6 of post-traumatic stress disorder at or about August  
12:33 7 of 2014, had -- no one to your knowledge had formally  
12:33 8 diagnosed you with post-traumatic stress disorder;  
12:33 9 correct?

12:33 10 A I had diagnosed myself.

12:33 11 Q But you never went to medical school.

12:33 12 When did you diagnose yourself with it?

12:33 13 A Oh --

12:33 14 Q Just for the record, I self-diagnose all the  
12:33 15 time. WebMD has been horrible for me.

12:33 16 A I diagnosed myself as early as May 2014  
12:33 17 but --

12:33 18 Q And what do you base that self-diagnosis --  
12:34 19 self-diagnosis as early as May of 2014 on?

12:34 20 A Based on the trauma that I had suffered  
12:34 21 prior to that.

12:34 22 May I have a rest room break?

12:34 23 MR. SHERMAN: Absolutely.

12:34 24 THE VIDEOGRAPHER: Are we going off the record?

12:34 25 MR. SHERMAN: Yeah, we have to go off the record



Jane Doe

10/21/2015

2:34 1 because --

12:34 2 THE VIDEOGRAPHER: We are --

12:34 3 MR. SHERMAN: -- she has to go to the restroom.

12:34 4 THE VIDEOGRAPHER: We are going off the record

12:34 5 at 12:34 p.m.

12:34 6 (Recess taken)

12:38 7 THE VIDEOGRAPHER: We are going on the record at

12:40 8 12:40 p.m.

12:40 9 BY MR. SHERMAN:

12:40 10 Q Okay. We're back on the record. And you  
12:40 11 realize, of course, that you are still under oath;  
12:40 12 correct?

2:40 13 A I understand.

12:40 14 Q Okay. When we left off, we were talking  
12:40 15 about the fact that you have been diagnosed with

12:40 16 [REDACTED]

12:40 17 [REDACTED]

12:40 18 A I've been diagnosed with [REDACTED]

12:40 19 Q Okay. That's a diagnosis as well?

12:40 20 A Yes.

12:40 21 Q And was that by Dr. [REDACTED] as well?

12:40 22 A Dr. [REDACTED]

12:40 23 Q And would that have been at about the same  
12:41 24 time of August of 2014?

2:41 25 A I started seeing Dr. [REDACTED] in August 2014.

10/21/2015

Jane Doe

2:41 1 Q Do you know when the diagnoses were made?

12:41 2 A We disc- -- I had seen Dr. [REDACTED] previously

12:41 3 so it was a long-standing diagnosis. The

12:41 4 [REDACTED] diagnosis was made in  
12:41 5 August.

12:41 6 Q Okay. Was there an earlier date for the

12:41 7 [REDACTED] diagnosis?

12:41 8 A I've suffered from [REDACTED] for many, many  
12:41 9 years. I don't recall when it began. Some people  
12:41 10 think that my [REDACTED] is normal, but sometimes I  
12:41 11 think it's, you know, a little discomfoting. I get  
12:41 12 feelings in my stomach, you know, and I -- I just --  
2:42 13 I -- I -- I worry and [REDACTED] maybe more  
12:42 14 than most people or maybe more than some people.

12:42 15 Q You have more tsuris than a lot of people,  
12:42 16 you're saying, huh?

12:42 17 A I have more what?

12:42 18 Q Tsuris. Yiddish. Tsuris.

12:42 19 A How do you spell it?

12:42 20 Q It's been a hundred years since I've been in  
12:42 21 Hebrew school. I can't tell you. I believe it's  
12:42 22 spelled with a t-s, tsuris.

12:42 23 A Tsuris.

12:42 24 Q It's Yiddish but --

2:42 25 A Are you Jewish?

Jane Doe

10/21/2015

06:58 1 of that? Did she damage your clitoris?

06:58 2 A No. She did not damage my clitoris.

06:59 3 Q Did she damage your breasts?

06:59 4 A No. She did not damage my breasts.

06:59 5 Q So did you suffer any actual physical

06:59 6 damage? Were you bruised, scratched, cut?

06:59 7 A Not to my knowledge.

06:59 8 Q Well, if you don't have knowledge today, a

06:59 9 year and eight months or six months afterwards --

06:59 10 A The mental anguish --

06:59 11 Q We're going to get to that in a second.

06:59 12 Any physical injuries?

06:59 13 A To my knowledge, she did not bruise me. It

06:59 14 was an offensive and uncomfortable touching.

06:59 15 Q Okay. No physical damage; correct?

06:59 16 A That's correct.

06:59 17 Q Let's talk about emotional. Any emotional

06:59 18 damage?

06:59 19 A Trauma.

06:59 20 Q And I understand that's a wonderful word.

06:59 21 What kind of emotional trauma?

06:59 22 A The trauma of having someone put their hand

06:59 23 under my dress, pull down my underpants, stroke my

07:00 24 genitalia and stroke my bare breasts.

07:00 25 Q What kind of effect has that had on you?

Jane Doe

10/21/2015

07:00 1 What has it caused you to do? Has it caused you to  
07:00 2 have nightmares, wet your pants?

07:00 3 A I was in a state of repressed shutdown for a  
07:00 4 matter of months following the trauma that you see  
07:00 5 beginning when you see me on the bench screaming of  
07:00 6 what she had done to me. I was in a state of trauma  
07:00 7 as of then. And then when you hear me in the -- in  
07:00 8 the booking cell saying, You filthy animals -- I  
07:00 9 mean, what do you think I'm referring to? Do you  
07:00 10 think I'm making this up?

07:00 11 Q What were you referring to --

07:00 12 A I -- what I was referring -- the deviant  
07:00 13 conduct that she did to me.

07:00 14 Q That which you've described in your  
07:00 15 deposition and in your lawsuit and that we see on  
07:00 16 videos B and C; correct?

07:00 17 A And what you cannot see on the video, but  
07:01 18 what you can infer from the fact that the camera does  
07:01 19 not show everything, but what we can see of what she  
07:01 20 is doing.

07:01 21 Q Okay. And I believe these tapes speak for  
07:01 22 themselves, that's why I've tried to get you to  
07:01 23 testify as to what's not on the tapes. You  
07:01 24 understand that's what I was trying to do?

07:01 25 A I understand that you're trying to -- that

Jane Doe

10/21/2015

## 1 REPORTER'S CERTIFICATION

2  
3 I, Jenny Craig, Certified Shorthand Reporter in  
4 and for the State of California do hereby certify:  
5

6 That the foregoing witness was by me duly sworn;  
7 that the deposition was then taken before me at the time  
8 and place herein set forth; that the testimony and  
9 proceedings were reported stenographically by me and later  
10 transcribed into typewriting under my direction; that the  
11 foregoing is a true record of the testimony and  
12 proceedings taken at that time.  
13

14 IN WITNESS WHEREOF, I have subscribed my name,  
15 this date: November 4, 2015.  
16  
17  
18

19   
20 \_\_\_\_\_  
Jenny Craig, CSR No. 11094  
21  
22  
23  
24  
25

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Coleen Ludvigson, am employed in the aforesaid County, State of California; I am over the age of 18 years and not a party to the within action. My business address is 1631 East 18th Street, Santa Ana, California 92705-7101.

On January 7, 2016 I served the foregoing **DEFENDANTS' OPPOSITION TO PLAINTIFF'S EX-PARTE APPLICATION TO QUASH SUBPOENAS**; on the interested parties in this action:

Jane Doe  
220 Newport Center Drive 11-233  
Newport Beach, CA 92660  
janedoe919@icloud.com  
*Pro Se Plaintiff*

\_\_\_\_ (By Mail) I placed such envelope for deposit in accordance with office practice, sealed, with postage thereon fully paid and the correspondence to be deposited in the United States mail at Santa Ana, California on the same day.

\_\_\_\_ (By Facsimile Service) I caused such envelope/document to be delivered via facsimile to the office of the addressee.

XXX (By e-filing) The above noted individuals are registered with the Court to receive notice of electronically filed documents. Per ECF rules, hard copies must be served only on parties who are not set up for electronic notification.

\_\_\_\_ (By e-mail) Plaintiff has communicated with Defendants via the above listed email address and has requested that Defendants serve Plaintiff documents via email at that email address.

XXX (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 7, 2016, at Santa Ana, California.

/s/ Coleen Ludvigson  
\_\_\_\_\_  
Coleen Ludvigson